Motion put and carried.

Clauses 2 to 21 put and carried.

Clause 1 put and carried.

Title and Preamble put and carried.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill may be taken up tomorrow and finally passed.

Motion put and carried.

The Cochin Nayar Act Amendment Bill *

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Cochin Nayar Act Amendment Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Mr. C. A. Kunjunni Raja *(Advocate-General):* In the Nayar Act, though certain Criminal provisions have been introduced, there is nothing to show as to who should take action when an offence is committed. This Bill is to fill up that omission in the Act. The proposal is that complaints have to be made by the Tahsildar and the Deputy Tahsildar of the Taluk in which the offence has been committed.

Mr. V. J. Mathai *(Planters):* I rise to point out one defect in the Bill. Our object is to ease all the penal provisions. Of course, punishments have to be imposed on delinquents. Here the Tahsildar alone will be able to complain. Nobody else can complain. The object is to avoid the difficulty of offences not being cognisable, but the remedy proposed is greater than the disease. I am not opposing the Bill nor supporting it. I am pointing it out for the consideration of the House. It is in the power of the Advocate-General to rectify the mistake.

Mr. C. V. Iyyu *(Kunnamkulam):* I fully agree with the Hon'ble Member for Planters, Mr. Mathai. The Tahsildar is a busy officer and it is not possible for him to know where the marriages are taking place. So, the village officers should be given this power.

Mr. C. A. Kunjunni Raja *(Advocate-General):* There is no mistake at all. I think it is better that the House goes into the question at once. This is a social piece of legislation and as far as possible it is the intention of the Government to see that responsible officers alone are given power to take action. I shall read the penal sections. Under section 6, notice of a marriage shall be given by such person and to such authority and in such form and within such

* Appendix II

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time as the Government may prescribe and failure to give the prescribed notice shall be punishable with fine which may extend to Rs. 200, but such failure shall not invalidate the marriage or affect the legal rights of the parties to, or of the off-spring of, such marriage. And section 7 says, "Whoever, being a male above 18 years of age, solemnises a marriage declared invalid under section 5 shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to Rs. 500 or with both." Section 5 is to the effect that "No marriage solemnised after the date of this Act of a female under 16 years of age or of a male under 21 years of age shall be valid." Again section 8 is "Where, after the date of this Act, a marriage declared invalid under section 5 is solemnised by a minor, any person having charge of such minor, whether as parent or guardian or in any other capacity who does any act to promote the marriage or permits it to be solemnised shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to Rs. 500 or with both." These are the three sections under which penal offences are created. It relates to failure of giving notice and the solemnisation of marriages. It is a social legislation which affects only the community concerned and it is not an offence which affects the body politic. It is the Tahsildar who is to register the marriages under the Act and Government think that he is the proper person to say whether action should be taken or not. That is why Government suggest that the Tahsildar should be invested with this power. Nobody else can complain in this matter, because it is only a social legislation, affecting a particular community and nobody else is very much interested in it.

Mr. A. B. Salem *(Mattancheri):* Is the sense of the community taken ?

Mr. C. A. Kunjunni Raja *(Advocate-General):* Yes.

Motion put and carried

Mr. C. A. Kunjunni Raja *(Advocate-General):* I request that the President may be pleased to suspend S. O. 32, and allow the Bill to be taken up for consideration.

Deputy President : Yes.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill may now be taken into consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government) :* I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and Preamble put and carried.

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Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill be taken up and finally passed tomorrow.

Motion put and carried

The Cochin Code of Civil Procedure Amendment Bill*

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Cochin Code of Civil Procedure Amendment Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Mr. C. A. Kunjunni Raja *(Advocate-General):* Government is giving compassionate gratuities to families of deceased Government servants. Under the existing provision in the Civil Procedure Code, this amount is not exempted from attachment. Pensions and other amounts are specifically exempted from attachment. Gratuity is given to the families of deceased Government servants and it richly deserves exemption. The Bill is to insert this in the Civil Procedure Code as one of the exempted items.

Motion put and carried

Secretary to the Council: The Title of the Bill is The Cochin Code of Civil Procedure Amendment Bill.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I request that the President may be pleased to suspend S. O. 32 and allow me to move that the Bill may be taken up for consideration.

Deputy President: I suspend the Standing Order.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Code of Civil Procedure Amendment Bill be now taken up for consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill may be taken up and finally passed tomorrow.

Motion put and carried

The Cochin Bar Councils Act Amendment Bill‡

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Cochin Bar Councils Act Amendment Bill be read in Council.

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*Appendix III.

‡Appendix IV.

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Provided that a Court may, if it has reason to doubt the accuracy or authenticity of the copies tendered in evidence require the production of the originals or such further proof as it considers necessary."

18. *Substitution of section 76.*— For section 76 of the Act, the following section shall be substituted.—

"76. *Transmission of copies of specifications, etc., and inspection thereof.*— Copies of all such specifications, drawings and amendments left at the Patent Office, as become open to public inspection under the provisions of this Act, shall be transmitted, as soon as may be, after the printed copies thereof are available, to such authorities as the Government may appoint in this behalf, and shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities and approved by the Government."

19. *Amendment of section 84.*— In sub-section (1) of section 84 of the Act for the words "shall be entitled to a patent for his invention or to registration of his design under this Act, in priority to other applicants; and the patent or registration shall have" the words "shall, either alone or jointly with any other person, be entitled to claim that the patent that may be granted to him under this Act, for the said invention or the registration of the said design under this Act, shall be in priority to other applicants and shall have" shall be substituted.

20. *Amendment of schedule.*— In the schedule to the Act, for the words "Before the expiration of" where they occur in the penultimate entry, the words "In respect of" shall be substituted.

21. *Amendment of section 17 of Act XII of 1109.*— In section 17 of the Cochin Sea Customs Act, XII of 1109, after clause (e) the following shall be inserted, namely.—

(ee) goods made or produced beyond the limits of Cochin and intended for sale, and having applied thereto, a design in which copyright exists under the Cochin Patents and Designs Act, XI of 1112, in respect of the class to which the goods belong or any fraudulent or obvious imitation of such design except when the application of such design has been made with the license or written consent of the registerd proprietor of the design;".

APPENDIX II

THE COCHIN NAYAR ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient to amend the Cochin Nayar Act, XXIX of 1113 for the purpose hereinafter appearing; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Nayar (Amendment) Act, of 111 and shall come into force at once.

2. *Amendment to section 9.*—In section 9 of the Cochin Nayar Act, XXIX of 1113, after the figure "8" add the following.—

"and except upon a complaint in writing made to such court by the Tahsildar or Deputy Tahsildar of the Taluk in which the offence under any of these sections has been committed."

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